

**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California**

CIVIL MINUTES

Date: June 3, 2021

Time: 1:45-3:10=
1 Hour; 25 Minutes

Judge: EDWARD M. CHEN

Case No.: [21-cv-04062-EMC](#) **Case Name:** Guardant Health, Inc. v. Natera, Inc.

Attorney for Plaintiff: Saul Perloff

Attorneys for Defendant: Tom Melsheimer, Kathi Vidal

Deputy Clerk: Angella Meuleman

Court Reporter: Ruth Ekhaus

PROCEEDINGS HELD BY ZOOM WEBINAR

[12] Motion for Temporary Restraining Order held.

SUMMARY

Parties stated appearances and proffered argument.

The Court expressed its concern with head-to-head comparisons of the two products at issue, including the metrics identified in the proposed order. In particular the parties discussed with the Court the direct comparisons made with respect to failure rates and sensitivities and whether that comparison as presented is misleading. At the same time, the Court is hesitant of imposing prior restraints on speech that would overly stifle healthy scientific debate. The parties should be allowed to truthfully extoll the virtues of their products and point out the shortcomings of their competitors' products, as well as discussing the studies related to their respective products.

With these concerns in mind, the parties are instructed to meet, confer, and come to a mutual agreement as to what statements will and will not be allowed between now and the Court's ruling on the pending motion for a preliminary injunction. The Court anticipates that the restraints will be mutually applicable and focus on statements comparing the products. The parties will file a joint statement no later than tomorrow, June 4, 2021, at 5:00 p.m. (PST), formalizing the terms of their agreement and the appropriate schedule for the pending motion.